

MEADOWBROOK\_ESTATES\_(01-42)

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John Capello, Esq. appeared before the board for this review.

MR. PETRO: Meadowbrook Estates.

MR. CAPELLO: John Capello, I'm with Jacobowitz & Gubits here on behalf of the applicant with Ross Winglovitz who is the project engineer. Real quick on this one, we've been before the board on this application since 2001, back then under the then existing zoning we were entitled to over 200 units. Our original application was for 165. Working with this board and the Town we reduced that pursuant to an agreement to 74 units in the Town of New Windsor, this project is split between the New Windsor and Cornwall.

MR. PETRO: When did you start this project?

MR. CAPELLO: 2001 we started, we had preliminary approval I believe it was July, 2003, we've been getting extensions. Our problem is we can't proceed to the Health Department pursuant to the water moratorium that was initiated by the Town Board so we're in kind of a catch 22 with the running out of the grandfathering provision because we can't comply because we can't go to the Health Department because of the water moratorium, so we've been ready, willing and able to go there for at least 18 months now. Until the Town lifts the moratorium we can't do that so we're asking for an extension of the grandfathering for additional year so we can hopefully work with the Town. We have a hearing on this I believe next Wednesday with the Town Board to annex the Cornwall portion into the Town of New Windsor so it's then one unified project in one, you know, zoning district in one Town, one sewer water district and as part of that we have agreed that we wouldn't exceed the 90 units that is the total that has been proposed and was preliminarily approved by

both the Cornwall Planning Board for that portion and the New Windsor Planning Board for the New Windsor portion.

MR. PETRO: Okay, I've given this a lot of thought for the members of the board just listen to me if you have an objection or you want to cut in just do so at any time. In 2000, October 3 of 2001, the zoning was changed as you know from in your particular I know you had some quarter acre lots up to 80,000 feet, we went back and forth a number of times, reduced, grandfathered in graciously resettled in and around an acre, that's why you went from 200 down to 74. I know you've been working with the Town and gave them some sewer rights but that's really beside the point. I think it ran out in 2004, October 3 and it's also going to run out in about another week or so, October 3 of 2005, it would be my opinion and only my opinion and this board's opinion that the legal term which is used it's an impossibility to perform, in other words, we have given you a task which is another arm of the Town has made it so that you cannot possibly conform, i.e., going to Department of Health for your water rights because the Supervisor legally cannot sign that as long as there's a water moratorium in place. So, therefore, you certainly cannot comply with this board's wishes to comply with zoning if another board is telling you you can't go in the first place. So I've checked with the legal and impossible to perform is what we're going to go by, it's again I use my analogy which I do with my 9 year old boy, if you stand against the wall and I tell you to take one step forward and you have 30 seconds to do it, you're going to have a real hard time, so being that said we're going to grant you another year to comply and that's it. I have nothing else to say, October 3, 2006. Thank you for coming in. Does anybody object?

MR. KARNAVEZOS: No.

MR. ARGENIO: No, you talked to Phil about this?

MR. PETRO: Yes.

MR. GALLAGHER: No objections.

MR. PETRO: And you understand what I'm trying to tell you, it's impossible to comply so therefore how can you have the time run out on you, just doesn't make sense. Now, if it should go to a judge or a court or somebody brings a case or whatever that may be and a judge tells me you can't do that, that's the way it is, but I just did it. So enjoy your night.

MR. CAPELLO: Thank you very much.

MR. PETRO: Everything I want to get into the minutes everything else that applies to your application is still in effect. Any other deadlines or anything outside agencies, nothing has changed other than what we discussed.

MR. CAPELLO: Yes.

MR. EDSALL: Jim, since your original grandfathering deadline was established by a resolution of the board, I would suggest that the board adopt a resolution adopting the same exact provisions but establishing a new date only because you did it by resolution last time, I would suggest you do it.

MR. PETRO: Can I have a motion to make the new date?

MR. ARGENIO: I don't understand what you just said.

MR. PETRO: He wants to do a roll call for October 3, 2006.

MR. EDSALL: There was formal resolution adopted, there was a vote of the board that established the deadline,

you now want to extend, I'm suggesting that you do it by motion of the board.

MR. ARGENIO: And I'll make the motion to that effect.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board adopt October 3 of 2006 as an extension to the original October 3 of 2004 deadline. Is there any objection to that by anybody on the board? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Satisfied, Mark?

MR. EDSALL: Just want to make it clear.

MR. PETRO: Thank you.